

COMPARISON OF ASSEMBLY BILL 129 PROTOCOLS

All references herein to “WIC” refer to the Welfare and Institutions Code

	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
Agency model	Lead agency model	Either (1) On-Hold Model with subcomponents of lead agency OR (2) Concurrent Service and Case Plan Model	No predetermination of which model to use – both On-Hold and Lead Agency are possibilities; staff from both agencies examine the WIC, § 241.1 Joint Assessment information and determine which model to use	Lead Court / Lead Agency Model – the assisting agency’s jurisdiction over the child is suspended so that at any one time only one agency has active jurisdiction (so as not to duplicate services)	Lead Agency / Lead Court Model	Lead Court / Lead Agency Model
Emphasis placed on collaborative efforts between Probation and Child Protective Services (CPS)	Lead agency really takes charge of the case; however, the lead and assisting agencies are supposed to work together to create an appropriate case plan for the minor	Strong emphasis – Ex. Joint reports, joint <u>in-person</u> conference	Each department must provide training to the other in regard to the agreement and its data system	Clear procedure outlined for cases where the minor’s safety may be compromised by staying in Juvenile Hall or local children’s shelter; Agencies are to work together to determine the least restrictive and most secure environment for the child in such a situation	The lead agency must conduct a joint assessment and work with staff from both CPS and Probation Dept. to determine which is most appropriate to provide services to the child at that time	Decision to designate a minor dual status must be made jointly by Human Services and Juvenile Probation Dept.; Then HS & JPD will designate responsibility for case management; When child is dual status, P.O. and S.W. must communicate at least monthly

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How hearings for dual status youth are calendared	<p>Joint dependency/ wardship hearings are conducted for dual status minors</p> <p>The lead agency is responsible for preparing a single report for the hearing, but both agencies must attend the hearing</p>	<p>Dependency lead cases are calendared in the Dependency Court while Delinquency lead cases are calendared in the Delinquency Court</p> <p>Concurrent jurisdiction cases are calendared in the Dependency Court</p>		<p>The court will conduct joint dependency / wardship hearings for dual status minors</p> <p>The lead agency will be responsible for preparing a single report for the joint hearing; The assisting agency may prepare supplemental reports</p>	<p>If the Probation Dept. is determined to be the lead agency, then delinquency court will be the lead court; If Department of Public Social Services (DPSS) is determined to be the lead agency, then dependency court will be the lead court</p>	<p>The Lead Court will conduct hearings in its court; Lead agency will be responsible for case management and preparation of court reports & calendaring hearings</p>
Requirements for dual status eligibility	<p>Minor must not have been removed from the home</p>				<p>Youth who are placed in Riverside County by other outside county agencies are NOT eligible</p>	<p>Primary reasons for dual status designation are: (1) No parent/ guardian available; (2) Parent not able to adequately care for/ supervise; (3) Other circumstances of a ward require protection under WIC, § 300; (4) A § 300 child needs control/</p>

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						containment for effective drug treatment or sex offender treatment; (5) Minor can't be safely housed at Valley of the Moon or a foster care setting due to being a danger to self or others
Process involved in declaring dual status OR switching lead agency	<p>Agencies must agree that dual status is appropriate for the court to order dual status</p> <p>Only children who have not been removed are eligible for dual status</p> <p>Court may determine that a change in lead agency is appropriate if both agencies consult and present this to</p>	<p>WIC, § 241.1 protocol continues to be the process of identification for Dual Jurisdiction; The Children's Research Center Model of Structured Decision Making and/or the Placer County Probation Risk Assessment in order to make decisions about the delivery of service and intervention.</p>	<p>Clear criteria given for principal guidelines both in filing a delinquency petition and in filing a dependency petition</p> <p>Allows Child & Family Services to immediately take custody of a child who is being held in juvenile hall without a WIC, § 602 petition being filed when the child is better suited for a community Service Agency</p>	<p>In order for the assisting agency to assume the lead role, a petition must be submitted to the court</p> <p>Protocol report may be done orally unless the court specifies otherwise. If required to be in writing, then both Probation and CPS must sign the report</p>	<p>The lead court will have the final say on the termination or modification of dual status. Statements of the DA, defense counsel, social worker, County Counsel, and probation officer will all be submitted to the lead court to assist in this determination</p> <p>If the initial petition is based on a WIC, § 602</p>	<p>Agencies must jointly agree to dual status</p> <p>Either agency can seek to change lead status if warranted</p> <p>County Clerk is responsible for sending all notices, reports, and orders to HS & JPD</p> <p>If a WIC, § 300 case is suspended, four weeks prior to</p>

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	<p>the juvenile court</p> <p>If one agency determines that the youth should be removed from their home, then they must file a petition with the court and the court will then terminate the jurisdiction of the nonfiling agency</p>	<p>When a child enters either system, the caseworker must contact the alternate agency and determine if the minor has had a history with the alternate agency.</p> <p>The detention report should include a recommendation to the court as to the length, level, and extent of the Delinquent or Child Welfare involvement and the need for possible WIC, § 241.1 handling</p> <p>The court will make the final determination of whether dual jurisdiction should be granted</p>			<p>petition, then the PD's office will represent the minor. If a WIC, § 602 case exists and a WIC, § 300 petition is filed to create dual status, then the JDP (Juvenile Defense Panel) will be appointed to represent the minor and the minor's family</p>	<p>dismissal of a § 602 order or a return home the P.O. & S.W. will consult; If either the § 602 or § 300 case is to be transferred out-of-county, four weeks prior the S.W. or P.O. will notify the other</p>

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Interagency conflict resolution process	If the heads of CPS and the Probation Dept. are unable to agree, then the dispute will be elevated to the Multi-Agency Policy Committee.	<p>If conflict arises as to which agency should be the lead and the managers cannot reach a resolution, the case will be referred to the System Management Advocacy Resource Team (SMART) for a WIC, § 241.1 formal SMART Management Team (SMT) review.</p> <p>If conflict arises as to the services to be provided, the case should first be reviewed in a team conference with Children's System of Care (CSOC) and the Probation Supervisor. If the supervisors</p>	<p>Interagency conflict should be solved by moving up the chain of command in both agencies</p> <p>Emphasis is placed on solving issues at lowest staffing level possible</p>	Interagency conflict should be solved by moving up chain of command and ultimately ending in filing separate reports with the court	Interagency conflict should be resolved by moving up the chain of command	If line staff don't agree, managers will consult; if no agreement there, then matter will be referred to Case Management Council/mid-level managers; If still no agreement, case will be referred to Dependency Court judge

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		cannot agree, the case should be referred to CSOC SMT for review.				
Confidentiality issues around information sharing between agencies	Not mentioned	Not mentioned	Under WIC, § 241.1 the court, community service agency, and probation shall exchange information about a child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both orally and by providing photocopies, as needed, of each other's case file	Not mentioned	In accordance with WIC, § 827 the court authorizes release of information between DPSS and Probation.	Not mentioned
One judge /one attorney – required?	Aims to have one judge handle case; however, accepts that this may not be possible	Mandates one judge for each case Strives for single-attorney model	Strives for single-attorney model	If there is more than one judge handling a dual-status case, then they must communicate in regard to the case Single-attorney	Details the legal responsibilities of attorneys representing dual-status youth; however, no mention of one judge / one attorney requirement	Not mentioned

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				model should be used unless it would be detrimental to the minor or be inappropriate to do so		
Lead Agency/Case-worker Responsibilities	The lead agency is responsible for case management, visiting the minor monthly, scheduling court hearings, preparing court reports, and providing services to the minor and the minor's family	Monthly in-person meetings are required of case-workers Clear outline of responsibilities for individual caseworkers with dual jurisdiction youth	Reports are prepared by one of the two agencies; the receiving agency must have reviewed and signed the report	Joint dependency / wardship hearings should be held for dual-status youth, and the lead agency should prepare a single court report for the hearing; The assisting agency may prepare supplemental reports	Clear criteria provided for the lead and assistant agencies Clear procedures and responsibilities for persons preparing the WIC, § 241.1 Joint Assessment Report are provided Clear criteria provided for the notice (in and out of county) and distribution of the Joint Assessment Report	Lead agency is responsible for case management & reports for mandated hearings; HS & JPD will jointly decide who delivers family reunification services
Provisions for reassessing the protocol			The parties shall conduct a joint evaluation of the protocol once every two years from the	Any one of parties may terminate the agreement for prospective cases by giving 30 days		One year from date of protocol signing, either HS or JPD may give notice to opt

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			effective date of September 1, 2005	written notice to other parties.		out
Other specifications	Distinguishes between (1) dual-status minors, (2) potential dual-status minors, (3) special-status minors	Emphasis on keeping dual-jurisdiction case planning family-centered	Emphasis placed on respecting the confidentiality of those receiving Child Welfare Services		<p>Most comprehensive protocol by far</p> <p>Specifies housing of dual-status youth shall be in compliance with WIC, § 16514(b) and §16514(c) (Emergency Shelter Statutes)</p> <p>Provides county liaisons for counties in Southern California</p>	